

SB Civil Writ Petition No.6137/2006

Smt Sushila Devi Jain Vs State of Rajasthan & ors

6.9.2006

Hon'ble Mr Justice Ashok Parihar

Dr Surendra Vyas with Miss Ashish Joshi
Mr RN Mathur - for petitioner
Mr S Sogarwal for Mr GS Gill, Addl Adv General - for State
Mr Vimal Chaudhary
Mr GP Kaushik - for respondents

BY THE COURT:

After initiating proceedings under section 63 of the Rajasthan Municipalities Act, 1959 (hereinafter to be referred to as 'the Act') the petitioner has been put under suspension pending enquiry under section 63(4) of the Act vide order dated 31.7.2006. By another order of the same date, the charge of the Chairman has been ordered to be handed over to one Smt Durga Devi. Petitioner has challenged the order of suspension as also the other order by which charge has been ordered to be handed over to Smt Durga Devi on the grounds of malafides and arbitrary action of the State functionaries.

Learned counsel for the petitioner made statement that he does not want to press the prayer for setting aside the order dated 31.7.2006, by which, the charge has been ordered to be handed over to Smt Durga Devi. He further stated that the allegations of malafides made against the respondent No.3 are also withdrawn.

In view of statement so made, no orders are required to be passed on the application for impleadment filed on behalf of Smt Durga Devi. The same is rejected.

After having carefully gone through the material on record as also the reply filed on behalf of the respondent State, looking to the nature of allegations made against the petitioner, without making any observations on the merits at this stage, in the facts and circumstances, I find no ground for any interference of this court in the present matter of suspension.

The writ petition is dismissed accordingly as having no merits.

(Ashok Parihar) J.

bnsharma